



**Policy:** 2302  
**Procedure:** 2302.09  
**Chapter:** Juvenile Rights and Hearings  
**Rule:** Restrictive Placement Approval Process

**Effective:** 02/01/06  
**Replaces:** N/A  
**Dated:** N/A

### **Purpose:**

Arizona Department of Juvenile Corrections (ADJC) personnel may increase the level of restrictiveness of an ADJC juvenile on conditional liberty status.

### **Rules:**

1. A **JUVENILE, PARENT/GUARDIAN, OR PAROLE OFFICER (PO)** may request that a juvenile be placed in a more restrictive placement if:
  - a. The juvenile is in need of particular services;
  - b. The juvenile has been abandoned;
  - c. The home placement is no longer safe; or
  - d. The juvenile has committed violations of conditional liberty making a restrictive placement more appropriate.
2. A **PO** shall obtain the approval of the Due Process Proceedings Office (DPPO) when attempting to increase the restrictiveness of a placement level for a juvenile on conditional liberty status who is currently placed at home or in a residential placement. The **PO** may request to place the juvenile in:
  - a. Residential Treatment Center (RTC) Locked;
  - b. RTC Unlocked;
  - c. Therapeutic Group Home;
  - d. Behavioral Health Group Home;
  - e. Shelter Care; or
  - f. Independent Living.
3. The **CHIEF HEARING OFFICER OR DESIGNEE** shall approve a request when the PO establishes probable cause that the requested level of restriction is the:
  - a. Least restrictive setting; and
  - b. Appropriate level of restriction for one of the following reasons:
    - i. The juvenile has requested residential placement over home placement;
    - ii. The parent/guardian has requested residential placement over home placement;
    - iii. The PO is requesting residential placement over a home placement because:
      - (1) The juvenile has been abandoned by parent/guardian;
      - (2) The home is no longer safe;
      - (3) The juvenile is in need of the certain services which can be provided at the requested level of care; or
      - (4) Residential placement over a home placement is now appropriate because the juvenile has violated identified Conditions of Liberty.
4. **Ex Parte Approval Request.**

When requesting an increase in the level of placement for a juvenile, the **PO** shall:

  - a. Obtain the approval of a Parole Supervisor;

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- b. Enter the request for a restrictive placement into the appropriate drop-down email form in GroupWise, ensuring the email is also sent to the DPPO;
        - i. The **PO** shall include in the request:
          - (1) The specific placement level of care for which approval is being sought;
          - (2) The reasons supporting the increased level of care; and
          - (3) A phone number where the PO can be reached for the following two hours.
  5. Within two hours of receiving the e-mail at the DPPO during designated business hours, the **CHIEF HEARING OFFICER OR DESIGNEE** shall phone the PO. If the request is part of a Cite-in hearing and the PO desires a faster response, the **PO** may phone the DPPO after sending the e-mail. The **CHIEF HEARING OFFICER OR DESIGNEE** shall:
    - a. Swear the PO in;
    - b. Ask for probable cause to substantiate the request; and
    - c. Approve or deny the Restrictive Placement Level of Care Request.
      - i. If approved, fax the printed and signed copy to the PO;
      - ii. If not approved, inform the PO why the request has not been approved and e-mail the denial back to the PO.
  6. In the event that an approval is requested for a juvenile during non-designated business hours and the request is approved by the Parole Supervisor or On-Call Parole Administrator, the **PAROLE OFFICER, PAROLE SUPERVISOR, OR ON-CALL PAROLE ADMINISTRATOR** shall contact the Chief Hearing Officer or designee in accordance with the assigned contact protocol. The **CHIEF HEARING OFFICER** shall respond within six hours. Regular business hours are Monday through Friday, 8:00 AM to 5:00 PM, excluding holidays.
  7. Upon receipt of the faxed and signed approval, the **PO** shall obtain a placement for the juvenile at the approved placement level. The **PO** shall also inform the juvenile in writing of
    - a. The right to appeal; and
    - b. The right to request a new hearing using Form 2302.09A Appeal for New Hearing after Restrictive Placement Approval.
  8. **Appeal for De Novo (new) Hearing.**  
The **JUVENILE** may:
    - a. Appeal in writing; and
    - b. Receive a de novo hearing using Form 2302.09A Appeal for New Hearing after Restrictive Placement Approval.
  9. The **JUVENILE** shall send the appeal to the DPPO to be received within five business days of the approval of the ex parte request;
    - a. An appeal will not stay (prevent) the move to a restrictive placement level of care while the hearing is pending.
  10. The **DPPO** shall hold a hearing within ten business days of the receipt of the appeal. The hearing shall be a new hearing, and the **PO OR HIS/HER REPRESENTATIVE** shall have the burden of proving by a preponderance of the evidence that the requested level of restrictiveness is appropriate. The **DPPO** shall conduct the hearing in accordance with Procedure 2302.06 Conditional Liberty Revocation Hearings with the following exceptions:
    - a. The **JUVENILE** may appear for the hearing at the parole office or at placement, whichever is more convenient; and

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- b. The **YOUTH HEARING OFFICER (YHO), PO, AND JUVENILE OMBUDS** may appear for the hearing in person or telephonically.
11. If an event which substantiates the issuance of an apprehension warrant takes place while a restrictive placement approval or appeal for de novo hearing is pending:
- a. The **PO** shall obtain an apprehension warrant pursuant to Procedure 4330.04 Parole Violation Warrants; and
  - b. The **CHIEF HEARING OFFICER OR DESIGNEE** shall vacate the request for a Restrictive Placement Approval or appeal for de novo hearing with no further action being taken.

<b>Effective Date:</b>	<b>Approved by Process Owner:</b>	<b>Review Date:</b>	<b>Reviewed By:</b>
02/01/06	Charles Adornetto		